

RMS0001-CON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

DAVID B. SMITH ET AL.

Serial No.: 10/731,085

Art Unit: 2837

Filed: December 10, 2003

Examiner: WARREN, David S.

For: MUSIC PERFORMANCE SYSTEM

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed October 26, 2004, submitted herewith is a corrected Preliminary Amendment that includes markups in the amended specification paragraph.

Entry of this newly-submitted Preliminary Amendment is respectfully requested.

Should there be any question regarding this submission, a representative of the U.S. Patent and Trademark office is encouraged to call the undersigned.

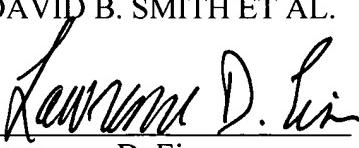
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Date: November 2, 2004

Respectfully submitted,

DAVID B. SMITH ET AL.

By:


Lawrence D. Eisen
Registration No. 41,009

Attachment: Preliminary Amendment

Customer No. 28970

LDE/dkp

IFW

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Examiner: Not Yet Assigned

PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to the examination of the above-identified application, please amend the application as follows:

Any fee not covered by a check accompanying this paper and necessary for consideration of this Preliminary Amendment response may be charged to Deposit Account Number 50-1390.

Amendments to the Specification: begin on page 2 of this paper.

Amendments to the Claims: reflected in the listing of claims that begins on page 3 of this paper.

Amendments to the Drawings: None

Remarks: begin on page 14 of this paper.